



C A No. Applied For
Complaint No. 110/2021

In the matter of:

Phoola Rani

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Law)

Appearance:

1. Mr. Raj Kumar, On behalf of the Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 11th November, 2021

Date of Order: 15th November, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection, but the respondent company rejected his application for new connection.

The complainant submitted that he applied for new electricity connection vide request no. 88005019287 & 8005018100 on dated 28.07.2021 & 29.07.2021 respectively at C-120 C, Kh.No. 282, Ashol Nagar, Delhi-110096. He further submitted that respondent rejected his application for new connection on the pretext of "dues of the year 2008 in the name of Yogesh Sharma".

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It is also his submission that there are ten (10) more houses with the same address and dues which the respondent is asking him to pay can be any other property. The respondent also asked him to submit an undertaking that if in future it is proved that the said dues belongs to him he will pay the dues. He further added that when he had submitted all the related documents he would not submit any undertaking. Therefore, he requested the Forum to direct the respondent for immediate release of the new connection.

Notice was issued to both the parties to appear before the Forum on 27.10.2021.

The matter was heard on 27.10.2021, when respondent submitted that they have refused to grant new connection on account of enforcement dues of Rs. 4 lakh. During hearing respondent stated that they resolved the case and issued the demand note for new connection. But the A.R. of the complainant's stated that he is not satisfied and has lots of grievances against BYPL. He was directed to file all the submissions before the Forum.

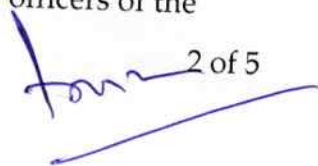
The complainant submitted his undertaking in which he has asked for compensation for mental and physical harassment by respondent.

The matter was finally heard on 11.11.2021, when as per direction of the Forum the AR of the complainant submitted all the grievances in writing before the Forum. Arguments heard and case is reserved for orders.

After going through all the facts of the case it seems that the first date of the hearing the matter was resolved by the respondent by releasing the demand note in favour of Ashok Kumar and Kuldeep Kumar. It is very surprising on the part of the respondent that respondent did not resolve this case when the complainant approached to the concerned division and other officers of the



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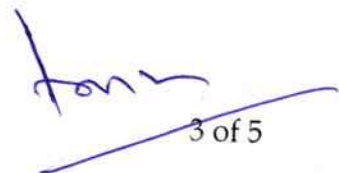


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division they asking in writing an undertaking for paying of the dues (enforcement dues) which is Rs. 4,27,088/- and Rs. 22,476/- in future if it proves belongs to the complainant and his family but the complainant vehemently denied and showed all the documents that these dues were not pertain to his family but respondent is not agreed on the submission made by the complainant and refused to release the connection. After that the complainant's has approached the Forum and lodged a complaint on 15.09.2021. After that the Forum forwarded this complaint to the respondent to follow the three tier system as per Bulletin 13. In that respect one mail send by respondent on dated 27.09.2021 states that "the site was not clear from the enforcement video, so for release of new connection the applicant was advised to submit an undertaking regarding the payment of dues. He did not agreed to provide the same, so the same was rejected."

When the case was put up for hearing on 27.10.2021, during the period of hearing the respondent on dated 26.10.2021 has release the demand note without asking for the undertaking regarding pending enforcement dues. It is very surprised to see/ it seems that the enforcement dues do not pertains to the complainant. It is negligence on the part of the complainant and the deficiency of service without going through all the aspect of the complainant as he submitted before the DGM office.

On dated 27.10.2021, the authorized representative Sh. Raj Kumar, the brother of the complainants submitted that he is not satisfied with the action taken by the respondent and asking for compensation for mental and physical harassment. The Forum adjourned the hearing for filing the affidavit for harassment.



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In view of the above facts, it seems that the respondent harassed the complainant physically and mentally and forcing him to file an undertaking for payment of enforcement dues. That there is a negligence and deficiency of the services on the part of the respondent not listening the submission and submitting the document by the complainant. The new connection complainant has been resolved by issuing the demand note by the respondent but in case of compensation when the complainant applied for new connection in the month of July 2021 and refusal for release of new connection on the basis of enforcement dues on 05th August 2021.

So, the complainant is harassed without no reason and denying for the connection and their right to use and enjoy the electricity as decided in Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

The Forum feels that ~~the~~ the date of passing the order respondent has released the new connection but the complainant is not entitled for compensation as per the DERC (Supply code and performance standards) Regulations 2017, Schedule-I (1) of Guaranteed Standards of Performance and Compensation to consumers in case of default, due to demand note was not released by the respondent. But as Sub-Regulation (2) of Regulation 76 of DERC Regulations 2017, which is narrated below:

Any person who is affected by the failure of the Licensee to meet the standards of performance specified herein and who seeks to claim compensation shall file his claim, with such a Licensee within a maximum period of 60 (sixty) days from the time such a person is affected by such failure of the Licensee to meet the standards of performance:



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Provided that the Licensee shall compensate the affected person(s) within a maximum period of 90 (ninety) days from the date of filing his claim.

The complainant suffered at least three months of his right to use or enjoy the electricity and depriving them their rights and mentally and physically harassed by the respondent, the complainant is entitled for compensation and compensation of Rs. 1,000/- is granted due to deficiency of services on the part of the respondent.

The case is disposed off accordingly.

No order as to the cost.

The order is issued under the seal of CGRF.



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN